

In Re the Matter of Thomas A. Smith


AFFIDAVIT OF JACQUELINE I. FALCK

Jacqueline I. Falck, being first duly sworn on oath, deposes and states that:

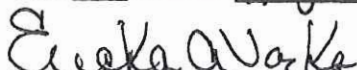
1. Affiant's name is Jacqueline I. Falck; date of birth is December 10, 1962; address is 804 Davenport St. West, Rhinelander, Wisconsin 54501.
2. That Affiant's residence is directly across the street from the residence of Thomas A. Smith, whose address was 10 Sanns St., Rhinelander, Wisconsin, 54501.
3. That Affiant witnessed an incident that occurred between law enforcement and Thomas A. Smith at his residence on Friday, April 7, 2017, at approximately 6:30 p.m. and into the evening.
4. That Affiant subsequently wrote a three page statement dated April 10, 2017, which is signed; a true and accurate copy of said statement is attached hereto as Exhibit A and incorporated herein by reference. Everything in said statement is true and correct.
5. That on April 19, 2017, Affiant spoke with Joanne Rudrud, paralegal for William F. Laman Law Office and Affiant has reviewed the two-page Memo relative to our telephone conference regarding the incident on April 7, 2017, at the Thomas A. Smith residence. Affiant has reviewed the Memo in its entirety and everything therein is true and correct.



Dated: August 28, 2017.


JACQUELINE I. FALCK

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 28 DAY OF August, 2017.


Ericka A. Vozka

(NAME PRINTED)

MY COMMISSION EXPIRES 10/30/2020

(1)

April 10 2017

Saw the armored vehicle on lanes
It in front of my neighbors house.
No headlights or taillights on. Spot
lights came on pointed at the house.
I heard speaker voice saying Oreida
to Sheriff come out slowly with hands
up on your head. Tom came out of the
house I heard speaker voice commanding
Tom to turn around with hands on head.
He tried - but Tom has serious problems
with walking. He seemed confused
and not able to understand what was
happening. He slowly continued down
the driveway. I saw several - 4-5 (1 on top)
officers surround Tom with long guns <sup>of Armored
Vehicle</sup>
drawn and all pointing at Tom. I
couldn't see what happened next, the
armored vehicle blocked my view.
Then, I saw officers drag Tom to
my side of view, they threw him to
the pavement after a few minutes one
officer had him in front of him
grabbing his arms another officer
grabbed him by ankles and picked
him up and tossed him in back
of armored vehicle

(2)

(2)

I couldn't hear much conversation but when they dragged Tom to my viewing slantage I heard "He hit his head on the pavement." They drove away.

Came back and proceeded to move armored vehicle to all kinds of positions close to the house. This went on for at least 1/2 hour or so (guess or take)

Left again - came back and deployed a robot - Opened front door with a long hook like device, and the robot entered the house.

Left again, came back several officers came out of armored vehicle - along with several officers converging from what seemed out of nowhere - (they probably were already surrounding the property) and lined up - all of them with long guns drawn and aimed entered the house - were in there for a while - came out and gathered in driveway - apparently they called off this process - the news said it was a false alarm. They all dispersed and

③

the armored vehicle left. As
well as a large white truck which
was only there towards the end

Jacqueline Falck

Memorandum regarding Jacqueline Falck:

4/19/17: Jacqui Falck, 804 W. Davenport Street, Rhinelander, Wisconsin, called back. What time of day? It was dusk- just before 8 p.m. she thinks, she did not look at the clock. She has a Great Dane- he wasn't barking, it was time to come in. She put him inside and came back out, stood outside for a few minutes looking at the big truck- she thought it looked like a military truck. The truck backed up- it was not directly in front of the Smith house, bright lights came on, shining on the Smith house, it backed directly in front of the house. Loudspeaker came on, this is the Oneida County Sheriff's Department, Thomas Smith, you need to come out the house slowly with your hands up or on your head. Jacquie said it was about 5 minutes or under before he came out, the lights were on him. Officers exited the armored vehicle. There was an officer sticking out of the hatch on top of the vehicle with a long gun pointed at Thomas. 4 officers exited the back. He was slowly coming forward, shuffling, she could tell he didn't know what was happening- they were yelling at him to turn around and put his hands on his head. She said he was confused. He tried to turn around, his hands were going up and down, and he got part way around, but he couldn't do it so he turned back around and started toward them again. He was confused. The 4 officers surrounded him, had guns out, and she couldn't see what happened because of the armored vehicle in the way. The officer sticking out of the hatch on top still had his guns trained on him. That took a few minutes, she doesn't know how many, then she saw two officers dragging his body from the right side of the armored vehicle to around the back, dragged him on the pavement, to the left side of the vehicle and slammed him down on the pavement. His wrists and ankles were handcuffed. During this whole operation officer's voices were very low, she didn't hear them say anything. When they slammed him to the ground she heard someone say "he hit his head on the pavement". She did not hear or see them asking him if he needed any assistance. A few minutes later an officer picked him up by his ankles, and another by his arms, went to the back of the vehicle and tossed him into the back very quickly. She did not know if there was anyone in the vehicle to catch or assist him. That was very quick. They shut the door of the vehicle, started the vehicle to back up and left- she was not aware at the time of the bomb squad, the police, the neighborhood lockdown because she didn't have her TV on. The intersection of Davenport and Maple had been set up as a heavy police force presence. They took him away, she didn't see any activity at the house anymore, so she went inside and watched out the window. After a short time, 10 or 15 minutes, the armored vehicle pulled up at the Smith home with the bright lights on, got very close to the house, they would back up, go to the right and left of the house, giant vehicle maneuvering around the house to look into the house she assumed. She couldn't make heads or tails of what they were saying. She was sitting in the dark on the bottom step in her entryway, and it was dark outside. She had no lights on so she could see what was going on outside. She heard someone say something about the garage, the garbage can, the car, that happened for a while, maneuvering the vehicle around the house, with the sniper peering out of his hatch on the house. Then the armored vehicle went back to the intersection of Maple and Davenport. Minutes when by and the vehicle came back again, it pulled up into the Smith driveway and out came the robot. She could see light on the inside of the armored truck for a few minutes, and a man sitting with a computer screen in front of him. Then the door was shut. The robot was sitting and waiting in the lawn. She could see the silhouette because of the bright lights on the house. The vehicle was maneuvered into position so a

long arm with a hook could be used to open the front door. The robot went toward the house. She couldn't see it go in because of the position of the vehicle, but she saw it come out. That took several minutes, she didn't know how long. She didn't see what happened to the robot, but the armored vehicle left the property and went back to the intersection. Then it came back for the fourth time, parked in front of the house again, and officers came out of the vehicle. She could then see many, many officers in full military regalia, holding long weapons, every single one had helmets, armor, weapons, coming out of the neighborhood, from around the whole neighborhood, from behind houses, trees, from everywhere, and they all lined up in single file, they all had the guns up and drawn and in single file they all entered the house, she counted at least 20 men. They all entered the home with the guns pointed out and they were in there for quite a while. After several minutes, 25 minutes or so, they exited the house, gathered in front of the home where there were lights on, gathered in front of the garage door, and they were talking in low tones. At that point she turned on the TV and saw they were broadcasting it on Channel 12, the hometown station, and she heard them say it was a false alarm. She turned off the TV and went back to the door to look out and she said they all left. She said while they were all in the driveway a giant white truck pulled up and it was some sort of law enforcement truck, one guy got out and spoke to the officers, and then he got back in and drove away. That was only there for 5 minutes.

The next morning she saw Alan out there in the yard at the Smith house, and he was picking up Tom's slippers from the street, the glasses, his watch. She spoke to Alan and he asked her if she would be willing to make a statement and she agreed.

She used to talk to Tom during the day when she saw him outside. Why did they throw him on the pavement? She didn't see what happened when they handcuffed him in the yard. Her biggest gripe is the abuse that she witnessed, and that Alan was held in a squad car and no one was listening to him as he was trying to explain that his dad was ill, needed medical help.